

THE HONOURABLE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18196 of 2005

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Dated: 17-08-2005

Between:-

Ushakoyala Krishna s/o Balaram, aged 30 years, occ: Upa-Sarpanch
R/o Mutrajpally, Gajwal Mandal Medak District
and two others.

...PETITIONERS

And

The Revenue Divisional Officer, Siddipet, Medak District
and 3 others.

...RESPONDENTS

ORDER

The petitioners seek a Mandamus declaring the action of the 1st respondent in issuing Memo No. A/1988/2005, dated 28.07.2005 and No Confidence Motion, dated 27.07.2005 as illegal, arbitrary and to set aside the same.

The case of the petitioners is that the 1st petitioner is the Upa Sarpanch, and 2nd and 3rd petitioners are the Ward Members of the Mutrajpally Gram Panchayat and there are 10 ward members in the said village. The 2nd respondent is the Sarpanch of the said village and he is indulging in corrupt practices and misusing the funds of the Gram Panchayat. Hence, the petitioners herein and other ward

members have submitted a representation to the higher officials to investigate into the illegal activities of 2nd respondent. As the officials failed to take action they have filed W.P. No. 6932/2005 to make enquiries and this Hon'ble Court by its order, dated 07.06.2005, directed the District Collector, Panchayat Raj to dispose of the representation filed by them and in pursuance of the orders of this Court the Divisional Panchayat Officer, Siddipet, issued a notice to the Sarpanch and others for conducting the enquiry and seized the records as there are illegalities committed by the Sarpanch. Due to political interference, the officials have not taken any action against the Sarpanch. The 2nd respondent bore-grudge against the petitioners and hatched a plan to dislodge the 1st petitioner and accordingly 2nd respondent has filled Form No.1 to move No Confidence Motion mentioning all the 10 ward members and affixed four thumb impressions and three signatures. The 1st respondent without verification of signatures and not even satisfy who have signed Form No.1 has conveyed the meeting to discuss No Confidence. It is mandatory to move No Confidence Motion at least ½ of the members have to sign in the Form No.1 and in this case only signatures of three members are able to be identified which is less than the requisite quorum. Hence, the resolution as well as notice conveying the meeting is illegal. It is the further case of the petitioners that the 2nd respondent has forcibly taken away the 7 members to unknown place and their whereabouts are not known and as such they made a complaint to the Superintendent of Police as well as S.H.O. Gajwel, but no action is being taken. The 2nd respondent is forcing the members to vote against the 1st petitioner. It is the duty of the 1st respondent to verify the signatures before conveying the meeting. In the instant case no verification has been done and as such the entire procedure is vitiating. Hence, the petitioners came up with the present writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader.

This writ petition is filed against the notice given by the Revenue Divisional Officer, Siddipet, dated 28.07.2005, to fix the date and time for expressing confidence in favour of the petitioner as per the notice given to the members of the Gram Panchayat under Form No.4, dated 27.07.2005, under Sec. 245 (1) of Andhra Pradesh Panchayat Raj Act, 1994, on the ground that the disputing signatures affixed on the copy of the notice given to the R.D.O. to conduct meeting for passing No Confidence notice against the 1st petitioner. Further, a complaint was also made on 16.08.2005 to the Superintendent of Police, Sangareddy, Medak District and S.H.O. Gajwel with regard to the kidnapping of some of the ward members and also attacking on 1st petitioner, but they have not taken any action. Therefore, this writ petition is filed to set aside the above said notice, dated 27.07.2005 issued by the Revenue Divisional Officer, Siddipet. Except disputing the signatures on the requisition to the Revenue Divisional Officer, Siddipet, to conduct meeting expressing no confidence motion against the 1st petitioner, there is no complaint with regard to the fault of any provision of law as contained under the Act. Therefore, if the case of the petitioners is considered, all the signatures appearing on the requisition of the ward members is not correct and they can as well vote in favour of the 1st petitioner and dispute the no confidence motion. Therefore, I see no reason to entertain this writ petition.

The writ petition is, accordingly, dismissed. No order as to costs.

E. DHARMA RAO,J

17th August, 2005

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